

Congress of the United States**Washington, DC 20515****November 9, 2007**

The Honorable Carlos M. Gutierrez
Secretary of Commerce
Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Gutierrez:

We are writing to request as strongly as possible that you uphold the decision of the Massachusetts Office of Coastal Management (MCZM) who objected to the certifications filed by Weaver's Cove Energy, LLC and Mill River Pipeline, LLC on the grounds that these companies did not yet have all of the required Massachusetts permits. In addition, the MCZM offered to extend the statutory deadline for these permits, but Weaver's Cove and Mill River declined this offer and have instead filed an appeal with the Department of Commerce requesting that you override the MCZM's objection. We believe that these companies should not be rewarded for their failure to comply with the law, and their outright refusal to accept an extension offered from the state.

As you know, you may override the MCZM objection if you find that a national defense or other national security interest would be significantly impaired if the project were not permitted to go forward as proposed. It is clear that this proposed facility does not fall into either of those categories. In fact, we believe that inverse is true. The U.S. Coast Guard recently determined that the waterways leading to the proposed Weaver's Cove Liquefied Natural Gas facility are unsafe and unsuitable for LNG tanker traffic. The announcement that there is no safe way of delivering the LNG to the Weaver's Cove site came in an October 24 letter to the company from Captain Roy A. Nash of the Coast Guard. We are enclosing this letter for your review. An LNG facility that the Coast Guard has determined cannot safely receive LNG traffic, cannot by its very nature provide a positive national security interest.

An integral component of national security is the mitigation of future threats, and overriding a state objection for a LNG facility that has failed to comply its permitting requirements could have potentially damaging consequences. We therefore urge you to uphold MCZM objection, affirming that these companies should not be allowed to surp

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Nov-09-07 11:03am From-Rep Barney Frank

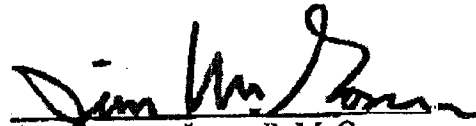
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Massachusetts state enforceable laws and policies because of their failure to comply.
Thank you for your consideration of our request and we look forward to your reply.

Sincerely,


Congressman Barney Frank


Congressman James P. McGovern

ENCL.

Nov-08-07 11:03am From: Rep Barney Frank

202-225-0182

T-373 P.004/005 F-888

U.S. Department of
Homeland SecurityUnited States
Coast GuardCommanding Officer
U.S. Coast Guard
Sector Southeastern New England1 Little Harbor Road
Woods Hole, MA 02541
Phone: 508-457-3219
Fax: 508-457-3238
Email: Edward.G.LeBlas@uscg.mil

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October 24, 2007

BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gordon Shearer
Chief Executive Officer
Weaver's Cove Energy, LLC
One New Street
Fall River, MA 02720

Dear Mr. Shearer

This is my Letter of Recommendation Issued pursuant to 33 C.F.R. § 127.009. It is issued in response to your Letter of Intent of May 12, 2004 proposing to transport Liquefied Natural Gas (LNG) by ship to your terminal in Fall River, Massachusetts using large tankers, as amended by your change of information letter dated February 2, 2006 proposing smaller LNG tankers. In making this recommendation, I have compiled and considered a comprehensive administrative record. A complete listing of the documents I considered in making my recommendation is contained in enclosure (1) of this letter, and those documents are incorporated by reference herein. This record includes the additional documentation submitted by you and your counsel in response to my May 9, 2007 letter. I also considered information obtained during my observation of a simulated transit on May 24, 2007, and my own observations of the waterway while onboard deep-draft vessels transiting through Mount Hope Bay and the Taunton River. Enclosure (2) contains my factual determinations, analysis, and detailed recommendations in arriving at an ultimate recommendation.

This Letter of Recommendation is based upon my review of the aforementioned record, and my observations and knowledge of current commercial vessel traffic using the transit route along which you propose. My ultimate recommendation is that the waterway from near Sandy Point, Prudence Island, Rhode Island at approximate position 41° 36' 21" N, 071° 18' 13" W to the proposed facility in Fall River, Massachusetts, is unsuitable from a navigation safety perspective for the type, size, and frequency of LNG marine traffic associated with your proposal.

As I have determined that the above described segment of the proposed transit route is unsuitable from a navigation safety perspective, an exhaustive analysis of the other segments of the intended transit route described in my letter of May 9, 2007 and other factors relevant to waterway suitability for LNG traffic, such as maritime security, were not further analyzed in detail. Therefore, no additional public meetings and workshops with state and local officials, to further address security risks, resource demands, capabilities and coordination requirements, will be held. Moreover, as I view the safety of navigation as paramount, my recommendation that the waterway is unsuitable generated no additional environmental documentation requirements.

Nov-09-07 11:03am From: Rep Barney Frank

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October 24, 2007

The environmental impact of my sole alternative holding that the waterway is unsuitable due to navigation safety determinations is discussed in the May 20, 2005 FERC final environmental impact statement, incorporated by reference herein. I therefore adopt that document.

The determinations, analysis, and ultimate recommendation as to the suitability of this waterway for LNG transits between Sandy Point and Weaver's Cove, as contained in this letter and its enclosures, would be referenced in concert with a Captain of the Port Order, should an LNG transit be attempted along this waterway segment. Such an order would be issued pursuant to my authority under the Ports and Waterways Safety Act of 1972, as amended by the Port and Tanker Safety Act of 1978, 33 U.S.C. §1223, et seq, among other authorities.

Should there be significant changes to the characteristics of the waterway prior to the expiration of FERC's approval order in July 2010, Weaver's Cove may submit a new Letter of Intent in accordance with 33 CFR §127.007.

If you feel aggrieved by this action, you may request reconsideration by me pursuant to 33 C.F.R. §127.015(a). Your request for reconsideration must be submitted to me, in writing, within 30 days of receipt of this letter. If the delay in presenting a written request for reconsideration would have an adverse impact on your operations, you may request to make an oral presentation, but your written request must be submitted within five days of your oral presentation.

If you have questions, my point of contact is Mr. Ed LeBlanc of the Sector Southeastern New England Waterways Management Branch. He may be reached at the address, phone number, and e-mail address listed above.

Sincerely,

ROY A. NASH
Captain, U.S. Coast Guard
Captain of the Port
Southeastern New England

Enclosure: (1) Administrative Record
(2) Determination of Unsuitability

Copy: Commander, First Coast Guard District (d, dp, dl)
Commander, Atlantic Area (Am)
Commandant (CG-3PSO)
Federal Energy Regulatory Commission
Mass and RI Congressional delegations
Mayor, City of Fall River
Applicable state and local agencies